

Message

From: Palmer, Leif [Palmer.Leif@epa.gov]
Sent: 8/31/2020 11:37:15 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]
CC: Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: RE: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Great answer. I thought you might say something like that.

I told Rett (the Regional Counsel in R5) that we'd arrange for a discussion at a monthly OGC/RC monthly call and ask OGC WLO and maybe Tod Siegal, and you two(?), to explain this to the other RC's.

I called Rett and gave him the history of how we got here.

We also have RC/DRC only calls, but this may be better to do it on the OGC/ORC monthly instead.

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Monday, August 31, 2020 7:18 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>
Subject: RE: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Ex. 5 AC/DP

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Monday, August 31, 2020 5:41 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: Fwd: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Sent from my iPhone

Begin forwarded message:

From: "Palmer, Leif" <Palmer.Leif@epa.gov>
Date: August 31, 2020 at 4:11:00 PM EDT
To: "Nelson, Leverett" <nelson.leverett@epa.gov>
Subject: RE: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Matt, David, Steve N and the CCILO staff. However Matt recused himself from the Florida 404 matter a few months ago.

Let me know if you want your someone on your staff to discuss this with my lead attorneys (Matt Hicks or Kavita Nagrani) they can really go into granular detail. I can tell you about the macro-issues – my cell is Ex. 6 Personal Privacy (PP)

From: Nelson, Leverett <nelson.leverett@epa.gov>
Sent: Monday, August 31, 2020 3:09 PM
To: Palmer, Leif <Palmer.Leif@epa.gov>
Subject: RE: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Ex. 5 AC/DP

Thanks.

-Rett

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Friday, August 28, 2020 8:02 AM
To: Regional Counsels and Deputies <Regional.Counsels.and.Deputies@epa.gov>
Subject: FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Hello everyone – Please see the attached transmittal and memorandum from David Ross concluding that Region 4 should initiate ESA consultation as part of Florida's request to assume the CWA 404 program. The memorandum describes the public notice & comment process that resulted in a change of EPA policy as to whether ESA consultation is necessary for 404 program assumption approvals.

If you have any questions about this or the process, please let me know.

From: Aguirre, Janita <Aguirre.Janita@epa.gov> **On Behalf Of** Ross, David P
Sent: Thursday, August 27, 2020 4:23 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>
Subject: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Mary,

Please see the attached transmittal letter and memorandum on consultation requirements under the Endangered Species Act for state and tribal Clean Water Act Section 404 program approvals. Because we have determined that

EPA's potential approval of the State of Florida's August 20, 2020 request to assume administration of the CWA Section 404 program may affect ESA-listed species or designated critical habitat, please initiate ESA Section 7 formal consultation with our federal partners as part of your review of Florida's application.

Regards,
Dave

David P. Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
Office: (202) 564-5700
Ross.DavidP@epa.gov